

Remarks

Applicant thanks the Examiner for the courtesy of a telephonic interview with Applicant's attorney on February 25, 2003, discussing the Restriction Requirement. In the interview, it was agreed that Applicant would elect group I and amend the claims of groups II-VI to depend from claim 1 of group I. It was agreed that if claim 1 was found allowable, the restriction requirement would be withdrawn and the dependent claims of groups II-VI would be rejoined for consideration.

Claims 73, 77, 78, 84, 87, 89, and 102 are amended; claims 61, 63, and 103-105 are cancelled; and new claims 118-120 are added. As a result, the pending claims are claims 1-60, 62, 64-102, and 106-120.

The amended claims are supported throughout the specification and originally filed claims. For instance, claim 73 is supported, e.g., by originally filed claim 73. Claims 77 and 78 are supported, e.g., by originally filed claims 77 and 78. The amendment to claim 84 is supported, e.g., at page 11, line 4 and page 39, line 27. The amendment to claim 87 is supported, e.g., at page 40, lines 18-21. Amended claim 89 is supported, e.g., by originally filed claims 89 and 73. Claim 102 is amended to depend from claim 1. The amendment to claim 102 is supported, e.g., at page 6, lines 18-19. New claims 118-120 correspond to previously pending claims 103-105, redrafted in dependent form to depend from claim 102.

The amendments to the claims do not narrow the claims. Accordingly, upon issuance of the pending claims, Applicant is entitled to full scope of claim equivalents.

The Examiner requested election of one of the following groups:

- I. Claims 1-63, 72-101, and 106-108, drawn to an adhesive patch comprising a backing, cosmetic agent, solvent, a permeation enhancer and a polymer, classified in class 424, subclass 448.
- II. Claims 64-71, drawn to an adhesive patch comprising a backing, cosmetic agent, solvent, permeation enhancer, polymer and sizing agent, classified in class 424, subclass 448.
- III. Claims 102, and 109-111 drawn to adhesive mask comprising a two-part system comprising a backing and a cosmetic formulation comprising a solvent,

permeation enhancer, cosmetic agent, and pressure sensitive adhesive, classified in class 424, subclass 448.

- IV. Claims 103, and 112-114 drawn to an adhesive mask comprising a two-part system comprising a backing and a cosmetic formulation comprising a solvent, permeation enhancer, cosmetic agent, and pressure sensitive adhesive, classified in class 424, subclass 448.
- V. Claims 104, and 115-117 drawn to adhesive mask comprising a two-part system comprising a backing and a cosmetic formulation comprising a solvent, permeation enhancer, cosmetic agent, and pressure sensitive adhesive, classified in class 424, subclass 448.
- VI. Claim 105 drawn to an adhesive mask comprising a two-part system comprising a backing and a cosmetic formulation comprising a solvent, permeation enhancer, cosmetic agent, and pressure sensitive adhesive, classified in class 424, subclass 448.

Claims 106-117 are all directed to methods of use of the adhesive patch of claim 1. Accordingly, Applicant believes that the Examiner intended to group claims 106-117 together in Group I. With the amendments to the claims, Applicant believes that the appropriate grouping of the claims according to the Examiner's scheme is now as follows:

Group I—Claims 1-60, 62, 72-101, and 106-117.

Group II—Claims 64-71.

Group III—Claims 102.

Group IV—Claims 118.

Group V—Claims 119.

Group VI—Claim 120.

Applicant provisionally elects, without traverse, the claims of Group I, claims 1-60, 62, 72-101, and 106-117.

The claims of groups II-VI are amended herein to depend from claim 1. Accordingly, claim 1 is now a linking claim. M.P.E.P. §§ 809 and 809.03. Restriction requirements are

allowed when linking claims are present. But, the linking claims must be examined with the invention elected, and "should any linking claim be allowed, the restriction requirement must be withdrawn." M.P.E.P. § 809. Accordingly, Applicant hereby requests that upon a notice of allowance of a linking claim in the present application, the restriction requirement be withdrawn and the claims of groups II-VI rejoined in the present application.

The Examiner also requested an election of species of backing polymer for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Applicant elects without traverse polyester fibers.

The Examiner requested an election of species of cosmetic agent for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Applicant elects without traverse Vitamins C, E and A.

The Examiner requested an election of species of solvent for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Applicant elects without traverse 1,3-propane diol; 2-methyl-1,3-propane diol; and glycerol ricinoleate.

If the Examiner finds the elected species allowable over the prior art, he is requested to expand the search to include other species. The search and examination of allowable species will continue until it includes the full scope of the generic claim. When a generic claim is found to be allowable, the claims directed to species embraced by the allowable generic claim must be rejoined for consideration. M.P.E.P. § 809.02(c) and 37 C.F.R. §1.146.

Applicant respectfully requests a favorable examination of the merits of this patent application. The Examiner is invited to telephone Applicant's attorney (612-371-2111) to facilitate prosecution of this application. Please charge any additional fees deemed necessary to Deposit Account 19-0743.

RESPONSE TO RESTRICTION REQUIREMENT

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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231 on this 28th day of February, 2003.

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